
EDUCATION & LABOR COMMITTEE

Congressman George Miller, Chairman

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Rep. McCarthy Statement at Subcommittee Hearing on “*Meeting the Challenges Faced by Girls in the Juvenile Justice System*”

WASHINGTON, D.C. – *Below are the prepared remarks of U.S. Rep. Carolyn McCarthy, (D-NY), chairwoman of the House Subcommittee on Healthy Families and Communities Subcommittee for a hearing on “Meeting the Challenges Faced by Girls in the Juvenile Justice System”*

First, I’d like to thank all the witnesses for being here today.

We have assembled a panel of folks who are incredibly knowledgeable in juvenile justice issues that affect girls specifically.

They bring their personal experiences and a wealth of information from research and work in the field.

Although we are focusing on the need for gender specific juvenile justice reform, the issues we will cover, such as status offenses and valid court order rules, confinement conditions, and mental health issues, have an impact on both boys and girls in the system.

We have decided to focus on girls today because unfortunately the number of girls in the system is on the rise and to date, and the juvenile justice system was developed around boys in terms of policies, practices and staff training.

We have not held any hearings on gender specific challenges and there can be significant differences in how girls and boys wind up in the system and how they are handled once they are in the system.

I believe these issues are important to explore as we move toward reauthorization of the Juvenile Justice Delinquency Prevention Act, or JJDP.

But I want to emphasize that each of the areas we will cover affect both boys and girls.

Across the country, in the 1980s and 1990s, states largely abandoned the focus on juvenile justice rehabilitation and treatment in favor of an approach that responded to delinquent behavior with punitive sanctions and institutional placement.

Now, nearly three decades later, most practitioners, academics, policymakers and the public believe this approach has failed.

The current system does little to protect public safety or help youth become productive, law abiding citizens.

And in many cases, the youth we are funneling into the juvenile system are the victims of trauma, have mental health issues, and have been accused of status offenses such as TRUE-AN-SEE, or running away from home.

Under the valid court order exception, of the JJDPa -- or VCO exception-- runaway youth and other status offenders may be incarcerated.

Specifically, the VCO exception allows status offenders to be locked up for their second and subsequent status offenses, for violating the court's order not to commit another status offense.

We know that once they are part of the juvenile system, their long term outcomes become very bleak.

To put a juvenile in detention for a status, non violent, non-criminal offense, is, in my opinion, criminal.

Data shows that in 2001, girls made up 19 percent of detained youth, but 24 percent of those were detained for technical violations and 43 percent of those were detained for status offenses.

For girls, many of which are runaways, they are often running away from an abusive home life.

Some judges want to protect the runaway girl from a chaotic household or from the streets, and if they feel they have no other options, they will put her in detention.

I believe we need to look closely at eliminating the VCO exception in JJDPa as we move forward in reauthorization as we do not want to be sweeping children into the juvenile system for minor, non-criminal status offenses.

Confinement should be a last resort reserved for those who pose such a serious threat that no other solution would protect public safety.

In all other cases, young people can be well served and the public kept safe by community supports.

For those who do need to be placed in a facility, the system should treat and rehabilitate them, not hurt and harden them.

Unfortunately, a DOJ report from this January indicated that confinement conditions in juvenile facilities can be horrible.

Among other things, the DOJ report found an estimated 12 percent of youth in state juvenile facilities and large non-state facilities reported experiencing one or more incidents of sexual victimization.

Most of these youth have been sexually abused before making it into the system.

I am glad the DOJ collected this data and brought this outrageous situation to light.

I think that we need to do a much better job of collecting data in the JJ system that is specific to mental health, sex, race and ethnicity.

Without timely, accurate data we cannot make the appropriate policy decisions.

For both girls and boys, confinement conditions are often quite poor.

Girls have particular health needs associated with pregnancy and child birth, personal hygiene and mental health issues such as depression and trauma from previous sexual abuse which are not being addressed.

We need to explore how to better screen girls who enter the system for mental health issues and how to treat girls once they are confined.

The problems with the juvenile justice system are many.

We have our work cut out for us.

I believe this hearing will help us understand the key issues that we will need to address during reauthorization, and I am eager to hear from our extremely knowledgeable witnesses.

Thank you all for being here and I look forward to your testimony.

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